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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,712	06/25/2001	Glenn R. Engel	10003416-1	1807

7590 07/26/2005

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/891,712

Applicant(s)

ENGEL ET AL.

Examiner

Niketa I. Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/2005 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Cochran et al.

U.S. Pat. App. Pub. No.: US 2002/0161867 A1 (hereinafter referred to as “*Cochran*”).

4. **Referring to claims 21, 29, *Cochran*** teaches a system for configuring a network device coupled to a local network [see abstract], comprising: configuration server coupled to a network, the configuration server coupled to a network [see figure 2, elements 12, 92, 94 and paragraphs 31, 38-39], the configuration server generating a web page that enables access to a configuration applet [see paragraph 40]; node coupled to the network and the local network [see paragraph 40 and figure 2, element 14], the node including a web browser that enables a user to

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load the configuration applet from the configuration server onto the node via the network by accessing the web page such that the configuration applet when executing on the node searches the local network for the network device [see paragraphs 37-39 and 40.]

Although, *Cochran* teaches web pages which allows a user to download desired configuration parameter *Cochran* is silent regarding an applet form. However, this feature is deemed to be inherent to the *Cochran* system as paragraph 40 shows that the web pages enables the user to interactively select desired features, input information and perform various other operations. Definitions of the term "Applet," provided by Microsoft Computer Dictionary, states that an applet is a program that can be downloaded over the Internet and executed on the recipient's machine. Applets are often written in the Java programming language and run within browser software, *and they are typically used to customize or add interactive elements to a Web page.*

5. **Referring to claims 22, 30,** *Cochran* teaches wherein the configuration server generates a set of configuration web pages that enable the user to obtain a set of network configuration parameters for the network device via the web browser [see paragraphs 37-39 and 40.]

6. **Referring to claims 23, 31,** *Cochran* teaches wherein the configuration web pages enable the user to enter a set of addresses on the local network for the network configuration parameters [see paragraphs 40, 57.]

7. **Referring to claims 24, 32,** *Cochran* teaches wherein the configuration web pages include a web page that enables the user to enter an address for the network device [see paragraphs 40 and 42.]

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8. **Referring to claims 25, 33, Cochran** teaches wherein the configuration web pages include a web page that enables the user to enter an address for a proxy server on the local network [see paragraphs 40 and 4.]
9. **Referring to claims 26, 34, Cochran** teaches wherein the configuration web pages include a web page that enables the user to enter an address for the configuration server [see paragraphs 40.]
10. **Referring to claims 27, 35, Cochran** teaches wherein the configuration applet executing on the node transfers the network configuration parameters to the network device via the local network [see paragraphs 40.]
11. **Referring to claims 28, 36, Cochran** teaches wherein the configuration applet searches the local network for the network device by transferring a multi-cast query message via the local network and detecting responses [see paragraphs 40 and 42.]

### ***Response to Arguments***

12. Applicant's arguments filed 07/07/2005 have been fully considered but they are not persuasive.

The applicant argues that *Cochran's* device configuration assembly 12 is not loaded via a web page over a network since it is a program which is stored on a memory device (e.g., a disk), and cites the following segment of *Cochran's* paragraph 31 "The device configuration assembly 12 may be a device configuration program, which is disposed on a memory device or media (e.g., a disk)..."

The Examiner respectfully disagrees with this argument. The applicant has relied upon the limited segment of the *Cochran*'s paragraph 31. The examiner would like to draw attention to the remainder of the cited sentence, which clearly states that the device configuration assembly 12 may be one or more remote devices or programs communicatively coupled to the computing device 14. *Cochran*'s paragraph 31, lines 4-8, "The device configuration assembly 12 may be a device configuration program, which is disposed on a memory device or media (e.g. a disk), **or it may comprise one or more remote devices** or programs communicatively coupled to the computing device 14."

Furthermore, the remote device configuration assemblies 92 and 94 are also able to identify and configure remote devices via a web page (see paragraph 38, 'As discussed above, the device configuration system 10, which may include both the device configuration assembly 12 and remote device configuration assemblies 92 and 94, may include a variety of circuitry, software, computing hardware, and various local and remote system and assemblies to **identification and configuration** of computing devices remote from the computing device 14' and paragraph 40.)

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to configuring remote devices:

O'Toole et al. U.S. Patent Number: 6,757,723 B1

Singer et al. U.S. Patent Number: 6,834,298 B1

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Hansen U.S. Patent Number: 6,772,204 B1

Poisson et al. U.S. Pat. App. Pub. No.: 2005/0022183 A1

Riggins et al. U.S. Patent Number: 6,131,116


Mendez et al. U.S. Pat. App. Pub. No.: 2004/0139178 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272 4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
07/21/2005



**KIM HUYNH**  
**PRIMARY EXAMINER**  
7/25/05